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Case 1:07-cv-07788-HB Document 11 Filed 03/17/2008  
STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL  
(212) 416-8922

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FEB 26 2008  
HAROLD BAER  
U.S. DISTRICT JUDGE  
S.D.N.Y.

ANDREW M. CUOMO  
Attorney General

February 25, 2008

LESLIE G. LEACH  
Executive Deputy Attorney General  
Division of State Counsel

JUNE DUFFY  
Assistant Attorney General in Charge  
Litigation Bureau

Hon. Harold Baer, Jr.  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: **Carter v. DOCS**, 07 Civ. 7788

Dear Judge Baer:

I represent defendants Kudlack, Goulding and Gaynor in the above referenced case. I enclose a proposed order in the above case dismissing the action for failure to prosecute unless plaintiff produces the outstanding documents within 10 days. I have mailed plaintiff the proposed order by overnight mail on this same date.

Respectfully,

*Benjamin Lee*  
Benjamin Lee  
Assistant Attorney General

cc: Trevaughn Carter

*3/17/08*  
*The complaint is dismissed. The court has had ample time & ample notice & has refused to comply with discovery requests. The court is limited by the rules of the court. The court should be met with the last response of February 25, 08, result occurring. The motion is granted. The court is instructed to remain the matter from my desk.*  
*DOED EBA*  
*Theresa Barr*

Enclosure 3/17/08 This complaint is dismissed. The plaintiff has had ample time and ample notice and has refused to comply with discovery including but not limited to releases for medical records – none have been forthcoming. The plaintiff was alerted to this result occurring should he not respond to the last notice of February 25, 2008, there has been no response. The motion to dismiss for failure to prosecute is granted and the clerk is instructed to remove the matter from my docket.